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IAB IV2306405

INVESTIGATIVE NARRATIVE

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
IAB IV2306405

SUBJECTS: **Jeffrey R. Shreves**
Deputy Sheriff Generalist
Employee #[redacted]

Ernesto D. Rodriguez III
Deputy Sheriff Generalist
Employee #[redacted]

Brian C. Hurst
Deputy Sheriff Generalist
Employee #[redacted]

Steve Quiroz
Deputy Sheriff Generalist
Employee #[redacted]

DATE / TIME OF INCIDENT: **July 6, 2011 / Between 0000 & 0030 Hrs.**

LOCATION: **Mira Loma Detention Facility (MLDF)**
45100 60th Street West, Lancaster, California

DATE OF DEPT. KNOWLEDGE: **July 8, 2011**

ALLEGATION

The allegation is that Subjects Shreves, Rodriguez, Hurst and Quiroz conducted a search of Detainee [redacted] and interacted with him in an inappropriate and unprofessional manner.

SYNOPSIS

On July 8, 2011, MLDF Watch Commander Lieutenant Scott Petz, received a complaint form that was submitted by several detainees on behalf of Detainee [redacted] booking #[redacted] The complaint alleged that while deputies searched Detainee [redacted] they called him a "faggot" and made other sexual comments to him. They also placed money, food and trash on top of his head during this interaction.

On July 11, 2011, investigators from the Internal Criminal Investigation Bureau (ICIB) responded to MLDF and conducted a criminal investigation into the allegation of possible sexual battery and assault under the color authority **[EXHIBIT A]**. Subjects Shreves, Rodriguez, Hurst and Quiroz invoked their right to have a union representative present while being questioned for possible misconduct, and were not interviewed by ICIB investigators.

ICIB investigators interviewed several detainees who said they witnessed the Subjects search Detainee [redacted] three times consecutively. During this time, the Subjects made fun of Detainee [redacted] by asking questions about his sexuality, grabbed his testicles and also placed money, food and trash onto his head.

A medical evaluation of Detainee [redacted] determined there were no injuries that resulted from the incident.

On December 12, 2011, ICIB determined that Subjects Shreves, Rodriguez, Hurst and Quiroz may have acted inappropriately, but did not commit a crime.

INVESTIGATION

Witness Detainee [redacted] #[redacted]

On July 10, 2011, Witness Detainee [redacted] was interviewed by ICIB Sergeants Jester, Tombol and Ruiz at MLDF. He told them he signed an inmate complaint form that was written on his behalf by another detainee because he was not literate in the English language. He explained to them the nature of the complaint which stemmed from an incident where he was inside his barrack and walking to a trash can to dispose items he had in his hands, which included papers, a hairnet, two packs of bologna and used disposable cups. Two deputies approached him from the back door of the barrack and told him in English to stop. Witness [redacted] described one deputy as a White male approximately six feet tall, and the other as Subject Quiroz, who he positively identified from a photographic lineup. Subject Quiroz questioned him in Spanish about what he was holding in his hands and then searched him. Witness [redacted] said as he was being searched, he placed his right hand on the window of the deputy's office as he cradled the trash in his left hand.

Witness [redacted] said the White male deputy asked him what he had under his shirt, at which time he lifted up his shirt and showed that it was only an undershirt. After telling him to spread his legs wider apart, the deputy kicked them outward further than it was already spread apart and searched him. Witness [redacted] said during this second search, the

trash he was holding fell to the floor. The deputy then found a hairnet inside his pocket, which he placed on top of Witness [redacted] head. The deputy then found money from inside his pocket, totaling $16.00, which he then placed onto the hairnet on Witness [redacted] head. The deputy then placed the trash that had fallen to the floor on top of the money and hairnet. Witness [redacted] said he was humiliated and began to cry at this point.

Witness [redacted] said three additional deputies came out of the deputy's office during the second time he was being searched. He positively identified one of the deputies as Subject Rodriguez from a photographic lineup. One of deputies began to search him for the third time and asked him, "Hey, you like how I'm searching you?" while grabbing his penis and testicles gently from the front for approximately five seconds. The deputy then intensified his grasp of his penis and testicles for another five seconds and then let go. Detainee [redacted] said the level of pain was a five on a scale from one to ten, and described it as being kicked in the balls. However, he said he did not react or show he was in pain.

The same deputy then grabbed his left buttock with the opposite hand from behind, as a deputy standing next to Subject Rodriguez asked him in English, "Are you gay?" Witness [redacted] said he got scared and told Subject Quiroz that he was not gay. Witness [redacted] said another deputy asked him if he like one of the deputies there, that the deputy could "fuck" him. Witness [redacted] said he told Subject Quiroz again that he was not gay. Witness [redacted] said based on the deputies' treatment of him and what they were saying during this time, he thought the deputies were going to take him into the office and have sex with him against his will.

Detainee [redacted] said he asked Subject Quiroz if he was allowed to leave because he didn't want any further interaction. Afterward, he went to the shower area, shaking and crying, where other detainees asked him if he was okay. Detainee [redacted] estimated the entire interaction lasted seven minutes. The following morning the other detainees wrote the complaint form on his behalf and he submitted it to agents from Immigrations and Customs Enforcement (ICE) that were present at MLDF.

Witness [redacted] was unable to positively identify any other Subjects from photographic lineups during the ICIB interview.

Witness Detainee [redacted] #[redacted]

On July 10, 2011, Witness Detainee [redacted] was interviewed by ICIB Sergeants Jester, Tombol and Ruiz at MLDF. He told them he saw Witness [redacted] headed to the trash can with trash in his hands when deputies detained him against the wall and

searched him. Witness [redacted] said the deputies placed trash, which included bologna, a hairnet and money on Witness [redacted] head. Witness [redacted] was crying as this was happening. Witness [redacted] said he was approximately thirty feet away from Witness [redacted] and could not hear what was being said.

Witness [redacted] said either Subject Quiroz or Subject Rodriguez searched Witness [redacted] after he was initially searched. He also said the same deputy and another deputy were behind Witness [redacted] as they placed trash on his head. Witness [redacted] said a Hispanic deputy with braces on his teeth was standing on the steps to the deputy's office and never searched Witness [redacted] during this incident.

IAB note: Of the four Subjects interviewed by IAB investigators, only Subject Rodriguez was wearing braces on his teeth.

Witness [redacted] correctly identified Subject Shreves from a photographic lineup during the ICIB interview, but was unable to positively identify any other Subjects. He recognized Subject Rodriguez from his personal interaction just prior to the incident and seeing him days after the incident, however, did not correctly identify him from a photographic lineup.

Witness Detainee [redacted] #[redacted]

On July 10, 2011, Witness Detainee [redacted] was interviewed by ICIB Sergeants Jester, Tombol and Ruiz at MLDF. He was on his way to the bathroom as Witness [redacted] was behind him and heading to the trash can near the deputy's booth. Witness [redacted] said he remained in the bathroom for the entire duration of the interaction between the deputies and Witness [redacted]

Witness [redacted] said two deputies came into the barrack from the back door as two more deputies exited the deputy's booth and told Detainee [redacted] to stand next to the window of the booth. Subject Shreves, Subject Quiroz and the other two deputies detained Witness [redacted] at the window of the deputy's office. They searched Witness [redacted] and began to laugh as they piled trash, which he described as cups, bologna and money onto a hairnet that they placed on Witness [redacted] head.

Witness [redacted] said Subject Quiroz translated in Spanish for Subject Shreves during their interaction with Witness [redacted] He also said, afterward, Witness [redacted] went into the bathroom area crying where he talked with him about what the deputies had done.

Witness [redacted] positively identified Subject Quiroz from a photographic lineup during the ICIB interview, but was unable to positively identify any other Subjects. He recognized Subject Shreves from seeing him before and after the incident, however, did not correctly identify him from a photographic lineup.

Witness Detainee [redacted] #[redacted]

On July 10, 2011, Witness Detainee [redacted] was interviewed by ICIB Sergeants Jester, Tombol and Ruiz at MLDF. He said he was the one who actually wrote the complaint form for Detainee [redacted] at his request. The verbiage in the complaint form was a compilation of his own words as well as Detainee [redacted] input.

He told them around 1230 hours on the night of the incident, three deputies told everyone in Barrack E to get on their bunks. Approximately thirty minutes later, he was on his bunk which was approximately 15-20 feet away from the interaction between Witness [redacted] and the deputies.

Witness [redacted] said as Witness [redacted] was standing among the deputies, one deputy grabbed bologna, a cup and a hairnet from Witness [redacted] hands. The Subject placed the hairnet on Witness [redacted] head, then placed the bologna onto the hairnet, and then the cup with trash onto the bologna. The deputies asked Witness [redacted] what he had in his pockets. Witness [redacted] told them, "I have my money."

Witness [redacted] said a deputy began to search Witness [redacted] in a physically aggressive manner where he reached up behind Witness [redacted] legs and grabbed his crotch area. The deputy asked Witness [redacted] in English, "Do you like this, you little fag? Do you like any of my friends?" When Witness [redacted] didn't reply, the deputy placed the money from Witness [redacted] pockets onto his head with the other contents. Afterward, Witness [redacted] picked up the items that were placed onto his head and walked to the bathroom area, crying.

Witness [redacted] described the deputy who searched Witness [redacted] as a Spanish speaker, between 5' 11" and six feet tall, 180 pounds, of Indian or Middle Easter descent, with dark skin and extremely short, almost bald black hair, in his late 20's or early 30's, whose name began with the letters Q-U.

Subject Jeffrey Shreves

On April 5, 2012, Subject Shreves was interviewed at IAB by Sergeants Patrick Kim and Trent Denison. Also present was Helen Schwab of Green and Shinee. Subject Shreves said on Tuesday night of July 5th, 2011, for Wednesday, July 6th, 2011, he was in Barrack E around midnight for an hour with Subjects Quiroz, Hurst and Rodriguez. They were providing chow relief for the two Custody Assistants that were assigned to Barrack E.

Subject Shreves said a detainee was up and roaming after he had been told to go to bed a couple times and did not. He and Subject Quiroz went around the back of the barrack where a group of more detainees were up. He and Subject Quiroz were shuffling people off to bed when Detainee [redacted] walked toward the deputy's office and lifted up his shirt and throwing up his arms. As Subjects Rodriguez and Hurst were standing at the office, Subject Shreves said he approached Detainee [redacted] from behind and grabbed his elbows, pulled his hands behind his back and conducted a pat down search.

During the search, he found 50 to 70 hairnets that are only supplied to kitchen workers, which he learned Detainee [redacted] was. Subject Shreves said when he began questioning Detainee [redacted] about the hairnets, he said he didn't speak English. He then asked Subject Quiroz to translate for him. Through Subject Quiroz' translation, Subject Shreves said he inquired about the hairnets and admonished Detainee [redacted] that he could get fired as a kitchen worker for stealing. The interaction ended without incident when Detainee [redacted] complied with his instruction to go to his bunk. Subject Shreves said he then went back into the deputy's office.

Subject Shreves said the interaction with Detainee [redacted] took place within five feet of the deputy's office in the presence of Subjects Hurst and Rodriguez. He said he was the only one to search Detainee [redacted] which lasted approximately two to three minutes. At no time was force applied on Detainee [redacted] nor did he cry.

He also said he had no further interaction with Detainee [redacted] thereafter. Subject Shreves denied the allegations made by the other Witnesses.

Subject Ernesto Rodriguez III

On April 5, 2012, Subject Rodriguez was interviewed at IAB by Sergeants Patrick Kim and Trent Denison. Also present was Helen Schwab of Green and Shinee. Subject Rodriguez said on Tuesday night of July 5th, 2011, for Wednesday, July 6th, 2011, he was assigned as Prowl 9 and was in Barrack E around midnight for an hour with Subjects Shreves, Hurst and Quiroz.

Subject Rodriguez said they noticed Detainee [redacted] was the only detainee standing at the end of the barrack after all of the other detainees had been instructed to be on their racks. Subject Rodriguez said he and Subject Hurst walked out of the deputy's office while Subjects Shreves and Quiroz went around the back of the barrack.

Subject Rodriguez said he and Subject hurst told Detainee [redacted] to get on his bed as Detainee [redacted] was walking toward them. Subject Rodriguez said Detainee [redacted] did not make any gestures with his hands, nor did he raise his shirt as he was walking toward them **(refer to page 6 of Subject Rodriguez' interview)**.

Subjects Shreves and Quiroz approached Detainee [redacted] from behind. Subject Shreves then grabbed Detainee [redacted] hands and placed them behind his back and conducted a pat-down search of his pockets and waistband. Subject Shreves pulled out a "bunch" of hairnets from Detainee [redacted] pocket and threw them on the floor. Subject Rodriguez said Subject Quiroz translated the dialog between Subject Shreves and Detainee [redacted] but doesn't remember what was said.

Subject Rodriguez said Detainee [redacted] was searched only by Subject Shreves, which lasted between three and five minutes. At no time was force applied on Detainee [redacted] nor did he cry. Subject Rodriguez said after the search concluded, he and the other Subjects went back into the deputy's office. Subject Rodriguez said he did not remember what Detainee [redacted] did afterward.

Subject Rodriguez denied the allegations made by the other Witnesses.

Subject Steve Quiroz

On April 16, 2012, Subject Quiroz was interviewed at IAB by Sergeants Patrick Kim and Victor Allen. Also present was Helen Schwab of Green and Shinee. Subject Quiroz said on Tuesday night of July 5th, 2011, for Wednesday, July 6th, 2011, he was assigned as a Prowler. Subject Quiroz said he was not assigned to relieve anyone for chow relief during that shift. However, around midnight, he and Subject Shreves were on their way to the Officers Dining Room (ODR) when they decided to meet up with Subjects Hurst and Rodriguez in Barrack E, as they were there to relieve Custody Assistants [redacted] and [redacted] who had left for their meal break.

Subject Quiroz said during that time, they were congregated inside the deputy's office, which is located in the middle of the barrack. He and Subject Shreves saw Detainee [redacted] talking to other detainees at the end of the barrack. He and Subject Shreves exited the office and walked outside to the back of the barrack, at which time Detainee Contreras started walking toward the office. As he and Subject Shreves walked into the

barrack behind Detainee [redacted] Subject Quiroz said he saw Detainee [redacted] untuck his shirt and lift it up while running his hands along the bottom of the shirt. Subject Hurst said to Detainee [redacted] "Hey, wait here." Subject Quiroz said he then walked to the other side of the barrack to check if there were other detainees out of their bunks.

Subject Quiroz said when he came back to area near the office, Subject Shreves asked him to translate in Spanish for him as Subject Shreves was "almost face to face" with Detainee [redacted] Subject Quiroz said he walked toward Subject Shreves and Detainee [redacted] and saw a "bunch" of hairnets on the ground and no other items. Subject Quiroz said he did not see Subject Shreves search Detainee [redacted]

Subject Shreves told him to ask Detainee [redacted] why he had so many hairnets. Detainee [redacted] answered in Spanish that he is line server in the kitchen, which was relayed to Subject Shreves. Subject Shreves then told him to tell Detainee [redacted] "You're not supposed to have that many hairnets, you know, you can get fired for this or you can get rolled up for having this many hairnets on you," and, "You know what, you're not supposed to be out of bed at this time, you need to find your bed." to which Detainee [redacted] replied, "Okay."

Subject Quiroz said Detainee [redacted] then walked away and he and Subjects Hurst, Rodriguez and Shreves all walked back into the office. Subject Quiroz said he was in Barrack E for approximately fifteen minutes. Soon after that, he and Subject Shreves left back to the compound **(refer to pages 7 and 14 of Subject Quiroz' interview)**.

> **IAB note: Subject Shreves said in his interview that he was in Barrack E for an hour (refer to page 5 of Subject Shreves' interview page 5).**

Subject Quiroz denied the allegations made by the other Witnesses.

Subject Brian Hurst

On April 16, 2012, Subject Hurst was interviewed at IAB by Sergeants Patrick Kim and Victor Allen. Also present was Helen Schwab of Green and Shinee. Subject Hurst said on Tuesday night of July 5th, 2011, for Wednesday, July 6th, 2011, he was assigned as Prowl 10. Around midnight, he was in Barrack E for approximately one hour to relieve the Custody Assistants assigned to that barrack for their meal break. Also present were Subjects Shreves, Rodriguez and Quiroz.

Subject Hurst said they were inside the deputy's office when they saw a couple of detainees up in the back of the barracks. Subjects Shreves and Quiroz went around back to talk to them. Subject Hurst said one of the detainees, Detainee [redacted] started walking toward him and Subject Rodriguez as they were standing in the office.

Subject Hurst said he exited the office and told Detainee [redacted] "Where are you supposed to be?" Detainee [redacted] lifted up his shirt to expose his waistband, at which time Subject Hurst said he instructed him to remain standing where he was. As Subjects Shreves and Quiroz approached them, Subject Hurst said Subject Quiroz continued to walk to the other side of the barrack. Subject Hurst said he then walked back inside the office to watch Subject Quiroz.

After Subject Quiroz returned to where Detainee [redacted] was standing, Subject Hurst said he exited the office and saw a pile of hairnets on the floor. Subject Shreves requested Subject Quiroz to ask Detainee [redacted] in Spanish why he had the hairnets. Subject Hurst said there were no other items on the floor or on Detainee [redacted] head.

Subject Hurst said Subjects Shreves and Quiroz talked with Detainee [redacted] briefly as he was standing on top of the stairs near the deputy's booth. He also said there was nothing unusual about the interaction, which lasted a total of three minutes. After the contact with Detainee [redacted] Subject Hurst said he went back inside the deputy's booth with Subjects Shreves, Rodriguez and Quiroz where they remained inside for approximately an hour.

> **IAB note: Subject Quiroz said he and Subject Shreves were in Barrack E for a total of fifteen minutes and left shortly after the contact with Detainee [redacted] (refer to pages 7 and 14 of Subject Quiroz' interview).**

Subject Hurst said he did not see Subject Shreves search Detainee [redacted] and that neither he nor Subjects Rodriguez or Quiroz searched Detainee [redacted] Subject Hurst denied the allegations made by the other Witnesses.



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



December 7, 2012

Deputy Brian Hurst, #[redacted]

Dear Deputy Hurst:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of sixteen (16) days.

An investigation under IAB File Number 2306405, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/000.10, Professional Conduct; and/or 3-01/040.97, Safeguarding Persons in Custody; and/or 3-01/030.10, Obedience to Laws Regulations and Orders (specifically pertaining to Custody Division Manual Section 5-12/005.00, Treatment of Inmates), on or about July 6, 2011, while on duty, you failed to perform to standards established for your position when you failed to adequately supervise detainees under your security and control resulting in other deputies to taunt, and/or belittle, and/or make sexually explicit comments to a detainee during a search, including placing food, trash, money and/or other objects on the same detainee's head.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Making False Statements During Departmental Internal Investigations, on or about April 5, 2012, you made false and/or misleading statements during an Departmental internal investigation

by denying the allegations in this matter and/or denying to have witnessed any wrong doing by the involved deputies, as evidenced by, but not limited to:

a) denying to have witnessed food, trash, and/or money, including other objects being placed on the detainee's head by the involved deputies, and/or;

b) denying to have heard other involved deputies make inappropriate, and/or sexual comments, including but not limited to: "Are you gay," and/or "Do you like this you little faggot," and/or "Which one of my partners do you like,' and/or "Look, he's going to jack off."

3. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/040.90, Reporting Information, on or about July 6, 2011, you were involved and/or witnessed an incident and failed to promptly notify a supervisor.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of the incident has been made by Department executives, including your Unit and Division Commanders.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Maggie Dixon, of Internal Affairs Bureau, at [redacted] and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Joanne Sharp, Captain
Commander, Pitchess Detention Center North Facility

JS:AEA:md

c: Advocacy Unit
Employee Relations Unit
Alexander R. Yim, Chief, Custody Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2306405)



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



May 7, 2013

Deputy Brian Hurst, #[redacted]

Dear Deputy Hurst:

On December 7, 2012, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2306405. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, Department executives determined that the recommended discipline is appropriate.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of sixteen (16) days effective May 12, 2013, through May 27, 2013.

An investigation under File Number IAB 2306405, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/000.10, Professional Conduct; and/or 3-01/040.97, Safeguarding Persons in Custody; and/or 3-01/030.10, Obedience to Laws Regulations and Orders (specifically pertaining to Custody Division Manual Section 5-12/005.00, Treatment of Inmates), on or about July 6, 2011, while on duty, you failed to perform to standards established for your position when you failed to adequately supervise detainees under your security and control resulting in other deputies to taunt, and/or belittle, and/or make sexually explicit comments to a detainee during a search, including placing food, trash, money and/or other objects on the same detainee's head.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Making False Statements During Departmental Internal Investigations, on or about April 5, 2012, you made false and/or misleading statements during an Departmental internal investigation by denying the allegations in this matter and/or denying to have witnessed any wrong doing by the involved deputies, as evidenced by, but not limited to:

   a) denying to have witnessed food, trash, and/or money, including other objects being placed on the detainee's head by the involved deputies, and/or;

   b) denying to have heard other involved deputies make inappropriate, and/or sexual comments, including but not limited to: "Are you gay," and/or "Do you like this you little faggot," and/or "Which one of my partners do you like,' and/or "Look, he's going to jack off."

3. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/040.90, Reporting Information, on or about July 6, 2011, you were involved and/or witnessed an incident and failed to promptly notify a supervisor.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference."

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05, and 18.01 of the Civil Service Rules.

Within fifteen (15) business days from the date of service of this notice of suspension, you may request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Joanne Sharp, Captain
Commander, Pitchess Detention Center North Facility

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

JS:AEA:md

c: Advocacy Unit
Alexander R. Yim, Chief, Custody Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
PDC East/unit Personnel File



Leroy D. Baca, Sheriff

County of Los Angeles

Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



December 9, 2012

Deputy Steven Quiroz, #[redacted]

Dear Deputy Quiroz:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of twenty (20) days.

An investigation under IAB File Number 2306405, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/000.10, Professional Conduct; and/or 3-01/030.05, General Behavior; and/or 3-01/030.10, Obedience to Laws Regulations and Orders (specifically pertaining to Custody Division Manual Section 5-12/005.00, Treatment of Inmates), on or about July 6, 2011, while on duty, you failed to perform to standards established for your position when you taunted, and/or belittled, and/or made sexually explicit comments to a detainee during a search of the detainee. You also witnessed and/or placed food, trash, and/or money, including other objects on the same detainee's head in the presence of other detainees. Your conduct has brought discredit and embarrassment upon yourself and the Los Angeles County Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Making False Statements During Departmental Internal Investigations, on or about April 5, 2012, you made false and/or misleading statements during an Departmental internal investigation, by denying the allegations in this matter and/or denying to have witnessed any wrong doing by the involved deputies, as evidenced by, but not limited to:

   a) denying to have witnessed and/or placed food, trash, and/or money, including other objects on the detainee's head, and/or;

   b) denying to have made inappropriate comments, and/or sexual comments, including but not limited to: "Are you gay," and/or "Do you like this you little faggot," and/or "Which one of my partners do you like,' and/or "Look, he's going to jack off,"and/or;

   c) denying to have heard other involved deputies make inappropriate, and/or sexual comments, including but not limited to: "Are you gay," and/or "Do you like this you little faggot," and/or "Which one of my partners do you like,' and/or "Look, he's going to jack off."

3. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/040.90, Reporting Information, on or about July 6, 2011, you were involved and/or witnessed an incident and failed to promptly notify a supervisor.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of the incident has been made by Department executives, including your Unit and Division Commanders.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Jacqueline Powell, of Internal Affairs Bureau, at [redacted] and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Joanne Sharp, Captain
Commander, Pitchess Detention Center North Facility

JS:AEA:jp

c: Advocacy Unit
Employee Relations Unit
Alexander R. Yim, Chief, Custody Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2306405)



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



May 20, 2013

Deputy Steven Quiroz, #[redacted]

Dear Deputy Quiroz:

On December 9, 2012, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2306405. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, Department executives determined that the recommended discipline is appropriate.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A with this Department for a period of twenty (20) days effective June 3, 2013 through June 22, 2013.

An investigation under File Number IAB 2306405, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/000.10, Professional Conduct; and/or 3-01/030.05, General Behavior; and/or 3-01/030.10, Obedience to Laws Regulations and Orders (specifically pertaining to Custody Division Manual Section 5-12/005.00, Treatment of Inmates), on or about July 6, 2011, while on duty, you failed to perform to standards established for your position when you taunted, and/or belittled, and/or made sexually explicit comments to a detainee during a search of the detainee. You also witnessed and/or placed food, trash, and/or money, including other objects on the same detainee's head in the

presence of other detainees. Your conduct has brought discredit and embarrassment upon yourself and the Los Angeles County Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Making False Statements During Departmental Internal Investigations, on or about April 5, 2012, you made false and/or misleading statements during an Departmental internal investigation, by denying the allegations in this matter and/or denying to have witnessed any wrong doing by the involved deputies, as evidenced by, but not limited to:

    a) denying to have witnessed and/or placed food, trash, and/or money, including other objects on the detainee's head, and/or;

    b) denying to have made inappropriate comments, and/or sexual comments, including but not limited to: "Are you gay," and/or "Do you like this you little faggot," and/or "Which one of my partners do you like,' and/or "Look, he's going to jack off,"and/or;

    c) denying to have heard other involved deputies make inappropriate, and/or sexual comments, including but not limited to: "Are you gay," and/or "Do you like this you little faggot," and/or "Which one of my partners do you like,' and/or "Look, he's going to jack off."

3. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/040.90, Reporting Information, on or about July 6, 2011, you were involved and/or witnessed an incident and failed to promptly notify a supervisor.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference."

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05, and 18.01 of the Civil Service Rules.

Within fifteen (15) business days from the date of service of this notice of suspension, you may request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Joanne Sharp, Captain
Commander, Pitchess Detention Center North Facility

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

JS:AEA:jp

c: Advocacy Unit
David L. Fender, Acting Chief, Custody Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Pitchess Detention Center North Facility/unit Personnel File



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



Leroy D. Baca, Sheriff

December 6, 2012

Deputy Ernesto Rodriguez III, #[redacted]

Dear Deputy Rodriguez:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of eighteen (18) days.

An investigation under IAB File Number 2306405, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/000.10, Professional Conduct; and/or 3-01/030.05, General Behavior; and/or 3-01/040.97, Safeguarding Persons in Custody; and/or 3-01/030.10, Obedience to Laws Regulations and Orders (specifically pertaining to Custody Division Manual Section 5-12/005.00, Treatment of Inmates), on or about July 6, 2011, while on duty, you failed to perform to standards established for your position when you failed to adequately supervise detainees under your security and control resulting in other deputies to taunt, and/or belittle, and/or make sexually explicit comments to a detainee during a search, including placing food, trash, money and/or other objects on the same detainee's head. In addition, you yelled and/or made sexually in appropriate comment(s) directed towards another detainee. Your conduct has brought discredit and embarrassment upon yourself and the Los Angeles County Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Making False Statements During Departmental Internal Investigations, on or about April 5, 2012, you made false and/or misleading statements during an Departmental internal investigation by denying the allegations in this matter and/or denying to have witnessed any wrong doing by the involved deputies, as evidenced by, but not limited to:

   a) denying to have witnessed food, trash, and/or money, including other objects being placed on the detainee's head by the involved deputies, and/or;

   b) denying to have made inappropriate comments, and/or sexual comments, directed towards detainee(s), and/or;

   c) denying to have heard other involved deputies make inappropriate, and/or sexual comments, including but not limited to: "Are you gay," and/or "Do you like this you little faggot," and/or "Which one of my partners do you like,' and/or "Look, he's going to jack off."

3. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/040.90, Reporting Information, on or about July 6, 2011, you were involved and/or witnessed an incident and failed to promptly notify a supervisor.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of the incident has been made by Department executives, including your Unit and Division Commanders.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Jacqueline Powell, of Internal Affairs Bureau, at [redacted] and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Joanne Sharp, Captain
Commander, Pitchess Detention Center North Facility

JS:AEA:jp

c: Advocacy Unit
Employee Relations Unit
Alexander R. Yim, Chief, Custody Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2306405)



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



May 20, 2013

Deputy Ernesto Rodriguez III, #[redacted]
[redacted]

Dear Deputy Rodriguez:

On December 6, 2012, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2306405. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, Department executives determined that the recommended discipline is appropriate.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of eighteen (18) days effective June 3, 2013 through June 20, 2013.

An investigation under File Number IAB 2306405, conducted by internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/000.10, Professional Conduct; and/or 3-01/030.05, General Behavior; and/or 3-01/040.97, Safeguarding Persons in Custody; and/or 3-01/030.10, Obedience to Laws Regulations and Orders (specifically pertaining to Custody Division Manual Section 5-12/005.00, Treatment of Inmates), on or about July 6, 2011, while on duty, you failed to perform to standards established for your position when you failed to adequately supervise detainees under your security and control resulting in other deputies to taunt, and/or belittle, and/or make sexually explicit comments to

a detainee during a search, including placing food, trash, money and/or other objects on the same detainee's head. In addition, you yelled and/or made sexually in appropriate comment(s) directed towards another detainee. Your conduct has brought discredit and embarrassment upon yourself and the Los Angeles County Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Making False Statements During Departmental Internal Investigations, on or about April 5, 2012, you made false and/or misleading statements during an Departmental internal investigation by denying the allegations in this matter and/or denying to have witnessed any wrong doing by the involved deputies, as evidenced by, but not limited to:

   a) denying to have witnessed food, trash, and/or money, including other objects being placed on the detainee's head by the involved deputies, and/or;

   b) denying to have made inappropriate comments, and/or sexual comments, directed towards detainee(s), and/or;

   c) denying to have heard other involved deputies make inappropriate, and/or sexual comments, including but not limited to: "Are you gay," and/or "Do you like this you little faggot," and/or "Which one of my partners do you like,' and/or "Look, he's going to jack off."

3. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/040.90, Reporting Information, on or about July 6, 2011, you were involved and/or witnessed an incident and failed to promptly notify a supervisor.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference."

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05, and 18.01 of the Civil Service Rules.

Within fifteen (15) business days from the date of service of this notice of suspension, you may request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Joanne Sharp, Captain
Commander, Pitchess Detention Center North Facility

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

JS:AEA:jp

c: Advocacy Unit
David L. Fender, Acting Chief, Custody Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Pitchess Detention Center North Facility/unit Personnel File



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



December 6, 2012

Deputy Jeffrey Shreves, #[redacted]

Dear Deputy Shreves:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of twenty (20) days.

An investigation under IAB File Number 2306405, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/000.10, Professional Conduct; and/or 3-01/030.05, General Behavior; and/or 3-01/030.10, Obedience to Laws Regulations and Orders (specifically pertaining to Custody Division Manual Section 5-12/005.00, Treatment of Inmates), on or about July 6, 2011, while on duty, you failed to perform to standards established for your position when you taunted, and/or belittled, and/or made sexually explicit comments to a detainee during a search of the detainee. You also witnessed and/or placed food, trash, and/or money, including other objects on the same detainee's head in the presence of other detainees. Your conduct has brought discredit and embarrassment upon yourself and the Los Angeles County Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Making False Statements During Departmental Internal Investigations, on or about April 5, 2012, you made false and/or misleading statements during an Departmental internal

investigation by denying the allegations in this matter and/or denying to have witnessed any wrong doing by the involved deputies, as evidenced by, but not limited to:

a) denying to have witnessed and/or placed food, trash, and/or money, including other objects on the detainee's head, and/or;

b) denying to have made inappropriate comments, and/or sexual comments, including but not limited to: "Are you gay," and/or "Do you like this you little faggot," and/or "Which one of my partners do you like,' and/or "Look, he's going to jack off,"and/or;

c) denying to have heard other involved deputies make inappropriate, and/or sexual comments, including but not limited to: "Are you gay," and/or "Do you like this you little faggot," and/or "Which one of my partners do you like,' and/or "Look, he's going to jack off."

3. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/040.90, Reporting Information, on or about July 6, 2011, you were involved and/or witnessed an incident and failed to promptly notify a supervisor.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of the incident has been made by Department executives, including your Unit and Division Commanders.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Jacqueline Powell, of Internal Affairs Bureau, at [redacted] and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Joanne Sharp, Captain
Commander, Pitchess Detention Center North Facility

JS:AEA:jp

c: Advocacy Unit
Employee Relations Unit
Alexander R. Yim, Chief, Custody Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2306405)



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



Leroy D. Baca, Sheriff

May 20, 2013

Deputy Jeffrey Shreves, #[redacted]

Dear Deputy Shreves:

On December 6, 2012, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2306405. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, Department executives determined that the recommended discipline is appropriate.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of twenty (20) days effective June 3, 2013 through June 22, 2013.

An investigation under File Number IAB 2306405, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/000.10, Professional Conduct; and/or 3-01/030.05, General Behavior; and/or 3-01/030.10, Obedience to Laws Regulations and Orders (specifically pertaining to Custody Division Manual Section 5-12/005.00, Treatment of Inmates), on or about July 6, 2011, while on duty, you failed to perform to standards established for your position when you taunted, and/or belittled, and/or made sexually explicit comments to a detainee during a search of the detainee. You also witnessed and/or placed food, trash, and/or money, including other objects on the same detainee's head in

the presence of other detainees. Your conduct has brought discredit and embarrassment upon yourself and the Los Angeles County Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Making False Statements During Departmental Internal Investigations, on or about April 5, 2012, you made false and/or misleading statements during an Departmental internal investigation by denying the allegations in this matter and/or denying to have witnessed any wrong doing by the involved deputies, as evidenced by, but not limited to:

    a) denying to have witnessed and/or placed food, trash, and/or money, including other objects on the detainee's head, and/or;

    b) denying to have made inappropriate comments, and/or sexual comments, including but not limited to: "Are you gay," and/or "Do you like this you little faggot," and/or " Which one of my partners do you like,' and/or "Look, he's going to jack off,"and/or;

    c) denying to have heard other involved deputies make inappropriate, and/or sexual comments, including but not limited to: "Are you gay," and/or "Do you like this you little faggot," and/or "Which one of my partners do you like,' and/or "Look, he's going to jack off."

3. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/040.90, Reporting Information, on or about July 6, 2011, you were involved and/or witnessed an incident and failed to promptly notify a supervisor.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference."

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05, and 18.01 of the Civil Service Rules.

Within fifteen (15) business days from the date of service of this notice of suspension, you may request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Joanne Sharp, Captain
Commander, Pitchess Detention Center North Facility

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

JS:AEA:jp

c: Advocacy Unit
David L. Fender, Acting Chief, Custody Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Pitchess Detention Center North Facility/unit Personnel File



CIVIL SERVICE COMMISSION
COUNTY OF LOS ANGELES

July 6, 2016

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of **BRIAN HURST** for a hearing on his sixteen (16) day **suspension**, effective May 12, 2013, **STEVE QUIROZ** for a hearing on his twenty (20) day **suspension**, effective June 3, 2013, **JEFF SHREVES** for a hearing on his twenty (20) day **suspension**, effective June 3, 2013, and **ERNESTO RODRIGUEZ** for hearing on his eighteen (18) day **suspension**, effective June 3, 2013, from the positions of Deputy Sheriff, Sheriff's Department,* **Case No. 13-219.**

The Civil Service Commission, at its meeting held on June 29, 2016 approved findings in the above-entitled case. The petitioner's objections were overruled.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Lawrence D. Crocker
Executive Director

Enclosure

c: Brian Hurst, et al.
Elizabeth Gibbons
Vincent McGowan
David Beauvais

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

*In the matter of the sixteen (16) day **suspension**, effective May 12, 2013, and the twenty (20) day **suspension**, effective June 3, 2013, and the twenty (20) day **suspension**, effective June 3, 2013, and the eighteen (18) day **suspension**, effective June 3, 2013, from the positions of Deputy Sheriff, Sheriff's Department, of* **BRIAN HURST, ET AL** **(Case No. 13-219)**	ORDER OF THE CIVIL SERVICE COMMISSION

On June 29, 2016, the Civil Service Commission of the County of Los Angeles overruled the Petitioner's objections. The Commission adopted as its final decision, the findings and recommendation of the Hearing Officer, David Beauvais, to sustain the Department.

Dated this 6th day of July, 2016.

Z. GREG KAHWAJIAN, President

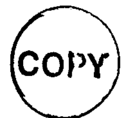
DENNIS F. HERNANDEZ, Member

NAOMI NIGHTINGALE, Member

STEVEN AFRIAT, Member

JOHN DONNER, Member





LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION 2015 AUG 23 PM 12: 16

CIVIL SERVICE
COMMISSION

In the Matter of the Appeal of

Brian Hurst, et al, Appellant

And

Los Angeles County
Sheriff's Department
Respondent

CASE #: 13-219 (consolidated)

FINDING OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDED DECISION

APPEARANCES:

For the Appellant: Elizabeth Gibbons, Law Office of Green and Shinee

For the Respondent: Michael Heider, Law Office of Hausman and Sosa LLP

BEFORE: David P. Beauvais, Hearing Officer

INTRODUCTION

The above captioned matter was heard by David P. Beauvais, Hearing Officer for the Los Angeles County Civil Service Commission. The hearing was conducted on November 6 and 7, 2014, April 29 and July 14, 2015. Following the hearing, the parties submitted written argument which was received by the Hearing Officer on August 6, 2015. This case was consolidated to include the appeals of Deputies Steve Quiroz, Jeff Shreves and Ernesto Rodriguez.

ISSUE

On June 26, 2013, the Commission defined the issues in Deputy Hurst's appeal as:

1. Are the allegations contained in the Department's letter of May 7, 2013, true?
2. If any or all are true, is the discipline appropriate?[1]

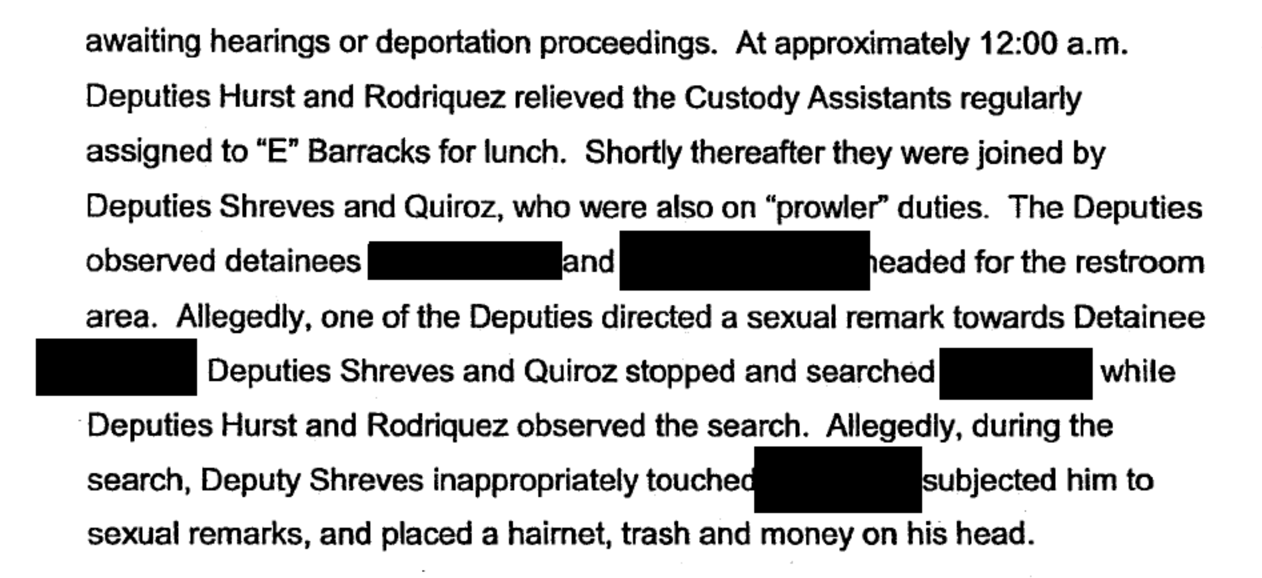
BACKGROUND

Brian Hurst, Steve Quiroz, Jeff Shreves and Ernesto Rodriguez are employed as a Deputy Sheriffs by the Los Angeles County Sheriff's Department. The Appellants were assigned to the Mira Loma Detention Center located in Lancaster California in July 2011 when the incident leading to the charges in the Notice of Proposed Suspension occurred. The Appellants were charged with failure to perform to standards, violation of Professional conduct, failure to safeguard persons in custody, and failure to obey laws, regulations and orders, specifically pertaining to treatment of inmates. Specifically, the Appellants were charged with violation of the Sheriff's Department's Manual of Policy and Procedures as follows:

Section 3-01/050. 10, Performance to Standards, and/or
Section 3-01/000.10, Professional Conduct, and/or
Section 3-01/040.97, Safeguarding Persons in Custody, and/or
Section 3-01/030.05, General Behavior[2], and/or
Section 3-01/030.10, Obedience to Laws, Regulations, and Orders, and or
Custody Division Manual Section 5-12/005.00, Treatment of Inmates

On July 6, 2011, all four Deputies were assigned to patrol duties on the night shift at the Mira Loma Detention Facility. At the time, said facility housed detainees

[1] The issue in all four cases is identical with the exception of the date of the Suspension Notice.
[2] Deputy Hurst was not charged with violation of this section.



awaiting hearings or deportation proceedings. At approximately 12:00 a.m. Deputies Hurst and Rodriquez relieved the Custody Assistants regularly assigned to "E" Barracks for lunch. Shortly thereafter they were joined by Deputies Shreves and Quiroz, who were also on "prowler" duties. The Deputies observed detainees [redacted] and [redacted]eaded for the restroom area. Allegedly, one of the Deputies directed a sexual remark towards Detainee [redacted] Deputies Shreves and Quiroz stopped and searched [redacted] while Deputies Hurst and Rodriquez observed the search. Allegedly, during the search, Deputy Shreves inappropriately touche[redacted]subjected him to sexual remarks, and placed a hairnet, trash and money on his head.

These actions were observed by a number of detainees, who submitted a group complaint regarding the behavior of the Deputies. The complaint was written by Detaine[redacted], who translated wha[redacted]old him. In addition to writing the complaint fo[redacted] observed the incident from his bunk, and testified at hearing.

The complaint was made on a form furnished to detainees for that purpose and placed in a container designated for complaints. The complaint was picked up by Sergeant David Patterson and forwarded to Lieutenant William Petz. Lieutenant Petz, who is an experienced investigator, interviewed Detainees [redacted] and [redacted] Lieutenant Petz then interviewed an additional number of detainees, who supported Detainees [redacted] and [redacted]llegations. Lieutenant Petz determined the four deputies involved based on the Detainee's descriptions and work records. Lieutenant Petz recommended to his commanding officer, then Captain Joanne Sharp, that a formal investigation was warranted. Captain Sharp concurred and requested a criminal investigation.

I.C.I.B. investigator Sergeant Ron Jester conducted the criminal investigation. Sergeant Jester interviewed approximately thirty individuals. All the interviews were recorded. Sergeant Jester prepared an initial report and a supplemental

(Dept. ex. 24) which included summaries of the interviews, sketches of the barracks by several detainees, photographic identification of the Deputies and other relevant documents. Sergeant Jester concluded criminal conduct could not be substantiated and referred the matter to the Internal Affairs Bureau (IAB) for administrative investigation.

Sergeant Patrick Kim was assigned to perform the IAB investigation. His investigation consisted of reviewing the ICIB interviews and other related documents, and then interviewing each of the Appellants. Sergeant Kim did not re-interview any of the complaining detainees. Sergeant Kim produced an investigative summary (Dept. ex. 14) of his investigation.

The four Deputies were each issued Notices of Proposed Suspension in early December 2012. The Notices of Suspension were issued in May 2013. Deputies Shreves and Quiroz were issued twenty (20) day suspensions. Deputy Rodriquez was issued an eighteen (18) day suspension. Deputy Hurst was issued a sixteen (16) day suspension. All four Deputies filed timely appeals of the discipline to the Los Angeles County Civil Service Commission. This Hearing Officer was originally selected to hear Deputy Hurst's case, the parties thereafter agreed to consolidate the other three cases.

EXHIBITS

See Attachment A.

TESTIMONY OF WITNESSES

The Department presented six witnesses in their case-in-chief. The Appellants each testified on their own behalf and called two additional witnesses.

Lieutenant William Petz

In July 2011 Lieutenant Petz was assigned as a shift/watch commander at the Mira Loma facility. He has served in patrol and custody positions and also has investigative experience with ICIB. Lieutenant Petz testified he received two written complaint from detainees complaining of mistreatment on July 8, 2011. Lieutenant Petz interviewed [redacted] and [redacted] Lieutenant Petz testified that Detainee [redacted] stated that he was going to the shower when one of the Deputies asked him if he "was going to jack off". Another Deputy than asked "what are you looking at?" Detainee [redacted] did not reply, he simply put his head down and continued to the restroom. Lieutenant Petz testified that Detainee [redacted] told him that he was stopped and searched on his way to the trashcan. Detainee [redacted] stated that the Deputies put trash, a slice of baloney, and money on top of his head.

Lieutenant Petz testified he then questioned several other detainees who had allegedly observed the incident and they corroborated Detainees [redacted] and [redacted] complaints. Lieutenant Petz testified he determined the Deputies involved in the incident based on detainee descriptions and work records.

Under cross examination, Lieutenant Petz testified that he recorded all of the detainee interviews and put them on a disc, but he never saw any transcripts of the interviews. Lieutenant Petz testified there were about thirty (30) detainee names between the two complaints. He said some were duplicates and a few did not match the barracks roster. Lieutenant Petz testified he attended a briefing where then Captain Joanne Sharp talked about the incident and the allegations. Lieutenant Petz remembered Deputy Hurst objecting to Captain Sharp's characterization of the incident.

<u>Sergeant Ronald Jester</u>

Sergeant Jester has been employed by the Department for twenty-six (26) years. He was with ICIB in 2011 and assigned to investigate the incidents. Sergeant Jester testified that he interviewed numerous detainees. He recorded each interview. Sergeant Jester stated that he attempted to interview the Appellants, but they each declined. Sergeant Jester prepared a report which included summaries of the detainee interviews (Dept. ex. 24). Among those interviewed was detainee [redacted] who prepared the written complaint for detainee [redacted] Sergeant Jester testified at length regarding his interview of [redacted]

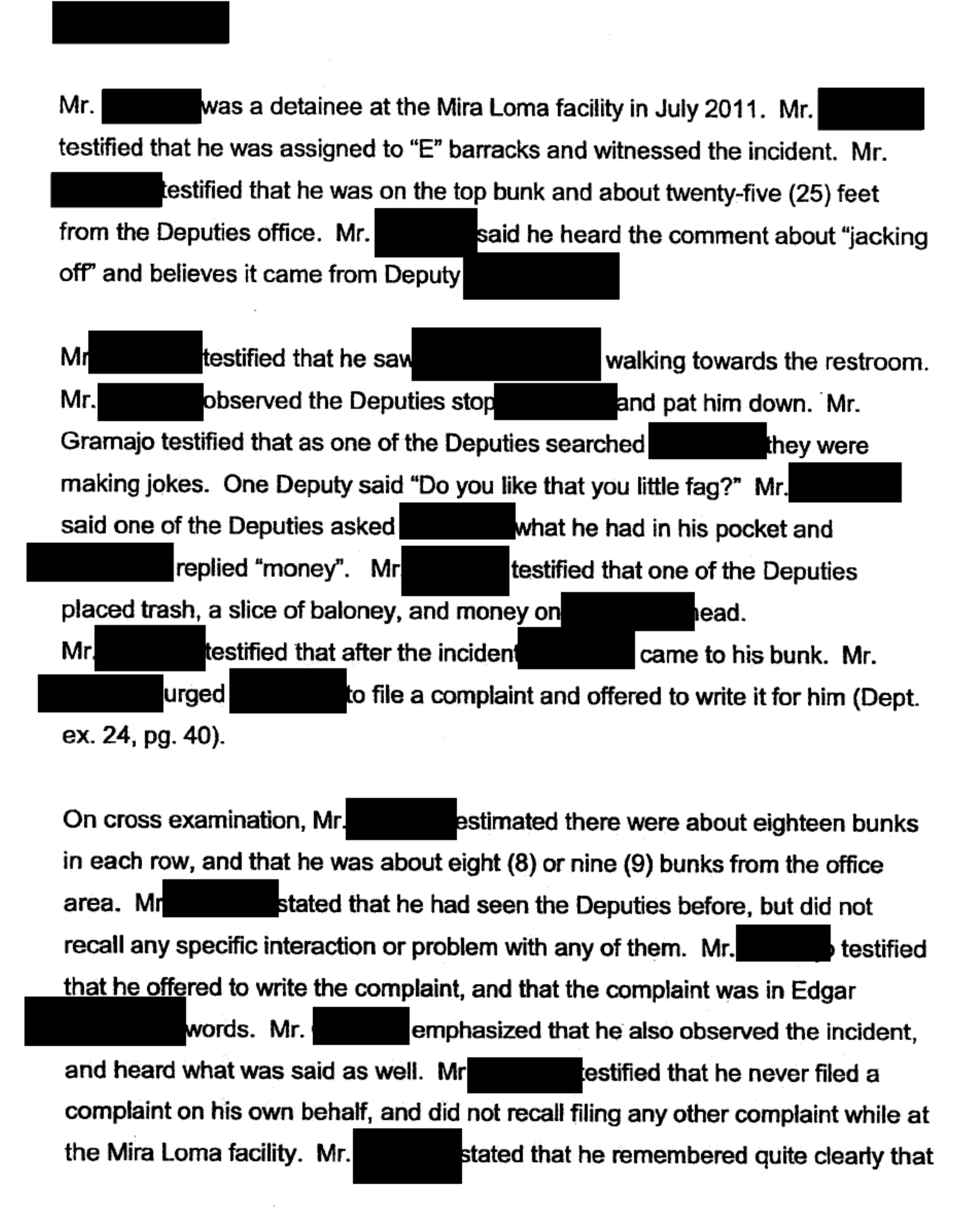
Under cross examination, Sergeant Jester testified that the entire ICIB investigation took about five months. Regarding detainee [redacted] testimony, Sergeant Jester said that [redacted] was assigned to bunk 113 and appeared to have a clear line of sight from his bunk to the Deputies office. Sergeant Jester concluded that the investigation should be closed as far a criminal charges were concerned. Sergeant Jester testified that once he turned the case over to IAB he had not further involvement.

Sergeant Patrick Kim

Sergeant Kim has been employed by the Department for twenty-four (24) years. He is currently assigned to the [redacted] In 2011 he was with IAB and was assigned to investigate this case when it was referred by ICIB. Sergeant Kim testified that he reviewed the ICIB detainee interviews and other relevant documents. Sergeant Kim interviewed each of the four Appellants. Sergeant Kim completed an investigative summary (Dept. ex. 14).

Under cross-examination, Sergeant Kim testified that he did not listen to any of the interviews conducted and recorded by Lieutenant Petz. He stated that he did listen to all the ICIB interviews, but did not re-interview any detainees. Sergeant Kim also testified that he only investigated the allegations made by [redacted] Sergeant Kim also testified that for the last ten (10) years or so it was

recommended by the Department that detainees or inmates not be searched with their hands against a wall as Contreras claimed in this case.



[redacted]

Mr. [redacted] was a detainee at the Mira Loma facility in July 2011. Mr. [redacted] testified that he was assigned to "E" barracks and witnessed the incident. Mr. [redacted] testified that he was on the top bunk and about twenty-five (25) feet from the Deputies office. Mr. [redacted] said he heard the comment about "jacking off" and believes it came from Deputy [redacted]

Mr [redacted] testified that he saw [redacted] walking towards the restroom. Mr. [redacted] observed the Deputies stop [redacted] and pat him down. Mr. Gramajo testified that as one of the Deputies searched [redacted] they were making jokes. One Deputy said "Do you like that you little fag?" Mr. [redacted] said one of the Deputies asked [redacted] what he had in his pocket and [redacted] replied "money". Mr [redacted] testified that one of the Deputies placed trash, a slice of baloney, and money on [redacted] head. Mr [redacted] testified that after the incident [redacted] came to his bunk. Mr. [redacted] urged [redacted] to file a complaint and offered to write it for him (Dept. ex. 24, pg. 40).

On cross examination, Mr. [redacted] estimated there were about eighteen bunks in each row, and that he was about eight (8) or nine (9) bunks from the office area. Mr [redacted] stated that he had seen the Deputies before, but did not recall any specific interaction or problem with any of them. Mr. [redacted] testified that he offered to write the complaint, and that the complaint was in Edgar [redacted] words. Mr. [redacted] emphasized that he also observed the incident, and heard what was said as well. Mr [redacted] testified that he never filed a complaint on his own behalf, and did not recall filing any other complaint while at the Mira Loma facility. Mr. [redacted] stated that he remembered quite clearly that

trash, baloney and money was placed on [redacted] head by the Deputies. He said it all fell off after a couple minutes. Mr. [redacted] testified that he recalled being interviewed by ICIB investigators. He stated the interviews took place in "E" barracks. He said five (5) of them were called together, but they were interviewed separately.

Commander Joanne Sharp

Commander Sharp has been employed by the Department for thirty (30) years. In 2011 she was a Captain and in charge of the Mira Loma detention facility. She testified that she first learned of the complaint from Detainee [redacted] father, who described it as a sexual assault. After reviewing the written complaint prepared by Detainee [redacted] and the results of Lieutenant Petz preliminary investigation she initiated a criminal investigation. Commander Sharp testified that the criminal investigation concluded there was insufficient evidence to support a criminal referral. The matter was then turned over to IAB for an internal administrative investigation.

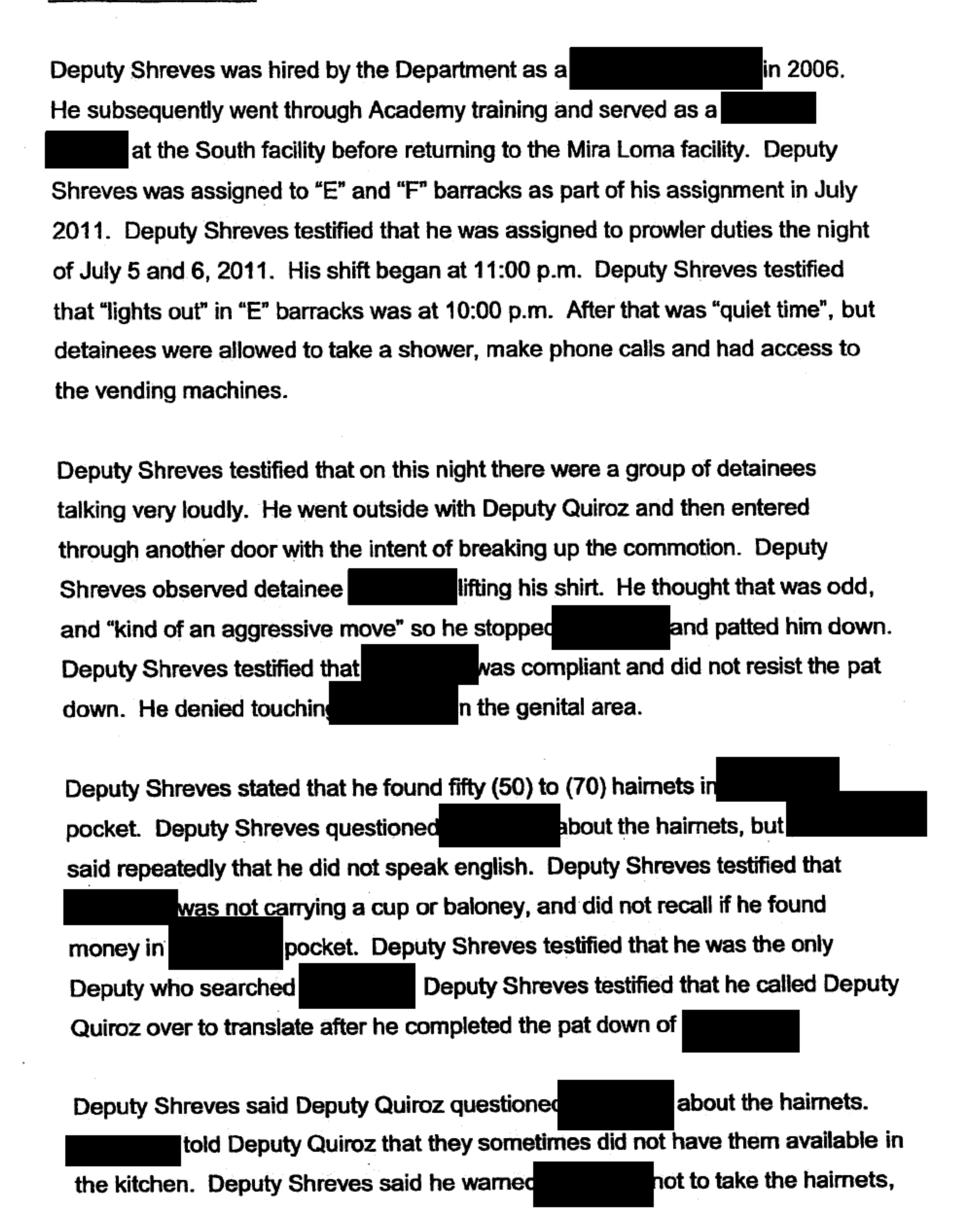
Commander Sharp testified that she believed a serious incident had occurred and that she thought it merited discipline. She stated that the failure of the Deputies to admit their culpability complicated matters; otherwise the length of the suspensions would have been in the range of three (3) to five (5) days. Commander Sharp testified that she discussed the matter with each Deputy individually and gave them an opportunity to admit responsibility, but they each refused. Commander Sharp believed the complaint to be credible because each detainee told what they observed from their own perspective. She stated that the detainee's in "E" barracks were trustees; they worked various jobs around the facility and received extra privileges. There was no reason for any of them to make up a story or lie about the incident.

Under cross examination, Commander Sharp said she recalled discussing the incident with Lieutenant Petz. Lieutenant Petz was convinced something had happened beyond just a regular search of a detainee, but he wasn't sure what. Commander Sharp said she did notify Deputies on the early morning shift that there was a complaint and that ICIB would be investigating. She said she remembered Deputy Hurst becoming angry, but denied saying that any Deputy was guilty of anything. She stated that she had not mentioned any names, but when Deputy Hurst spoke up, she remembered thinking that he had just let everyone know that he was a subject of the investigation.

Chief David Fender

Chief Fender has been employed by the Department for forty (40) years. Chief Fender testified that Chief Yim, now retired, was the deciding official in this case, but that he participated in the decision making process in that he discussed the case with Chief Yim. Chief Fender testified that three things stood out in the discussion with Chief Yim. One, Chief Yim was impressed by the number of detainees who came forward. Two, he thought the details related by many of the detainees regarding what was placed on [redacted] head was significant. Three, the Deputies stated they were concerned about detainee [redacted] being up and about, but it seemed as though several other detainees were up as well, and the Deputies did not seem concerned about them.

Under cross examination, Chief Fender testified that he did not make a recommendation to Chief Yim during their discussion. Chief Fender testified he was not aware of the case until he discussed it with Chief Yim in early 2013. Chief Fender conceded that Chief Yim could have modified the discipline during the grievance procedure. Chief Fender also recalled that Chief Yim thought the ICIB investigation was very thorough. He cited the fact that two detainees who did not sign the complaint were also interviewed.



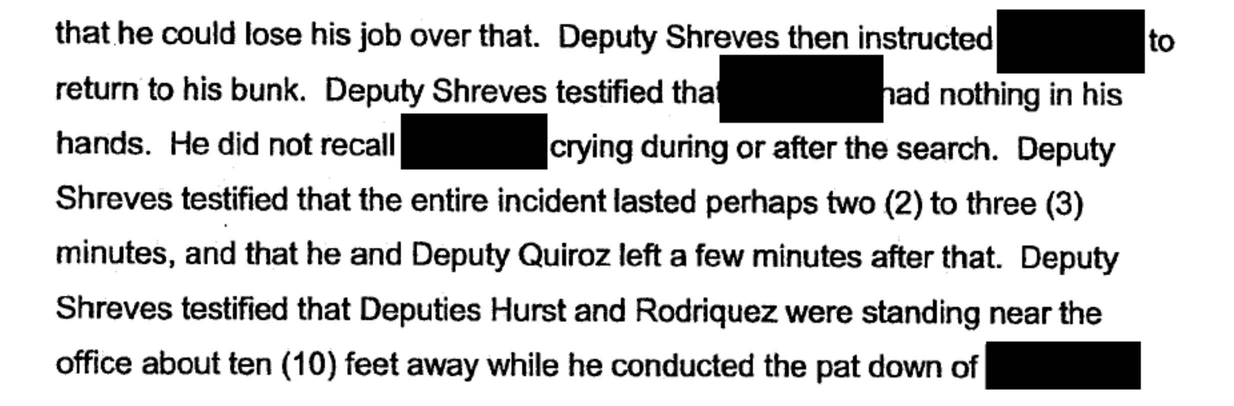
Deputy Jeff Shreves

Deputy Shreves was hired by the Department as a [redacted] in 2006. He subsequently went through Academy training and served as a [redacted] at the South facility before returning to the Mira Loma facility. Deputy Shreves was assigned to "E" and "F" barracks as part of his assignment in July 2011. Deputy Shreves testified that he was assigned to prowler duties the night of July 5 and 6, 2011. His shift began at 11:00 p.m. Deputy Shreves testified that "lights out" in "E" barracks was at 10:00 p.m. After that was "quiet time", but detainees were allowed to take a shower, make phone calls and had access to the vending machines.

Deputy Shreves testified that on this night there were a group of detainees talking very loudly. He went outside with Deputy Quiroz and then entered through another door with the intent of breaking up the commotion. Deputy Shreves observed detainee [redacted] lifting his shirt. He thought that was odd, and "kind of an aggressive move" so he stoppe[redacted]and patted him down. Deputy Shreves testified that [redacted] vas compliant and did not resist the pat down. He denied touchin[redacted] n the genital area.

Deputy Shreves stated that he found fifty (50) to (70) hairnets i[redacted] pocket. Deputy Shreves questioned [redacted] about the hairnets, but [redacted] said repeatedly that he did not speak english. Deputy Shreves testified that [redacted] was not carrying a cup or baloney, and did not recall if he found money in [redacted] pocket. Deputy Shreves testified that he was the only Deputy who searched [redacted] Deputy Shreves testified that he called Deputy Quiroz over to translate after he completed the pat down of [redacted]

Deputy Shreves said Deputy Quiroz questione[redacted] about the hairnets. [redacted] told Deputy Quiroz that they sometimes did not have them available in the kitchen. Deputy Shreves said he warne[redacted] not to take the hairnets,


that he could lose his job over that. Deputy Shreves then instructed [redacted] to return to his bunk. Deputy Shreves testified that [redacted] had nothing in his hands. He did not recall [redacted] crying during or after the search. Deputy Shreves testified that the entire incident lasted perhaps two (2) to three (3) minutes, and that he and Deputy Quiroz left a few minutes after that. Deputy Shreves testified that Deputies Hurst and Rodriquez were standing near the office about ten (10) feet away while he conducted the pat down of [redacted]

Deputy Shreves testified that he never heard any Deputy say "look, he is going to jack off". Deputy Shreves said he had no further contact with detainee [redacted] after that night. Deputy Shreves knew there was a problem after he was told he could no longer enter "E" or "F" barracks. Deputy Shreves said that he was interviewed by IAB on April 6, 2012. Deputy Shreves testified that he never had a conversation with Commander Sharp about a reduction in the discipline. Deputy Shreves then amended his testimony, saying that he did meet with Commander Sharp, but only to give her a grievance on the matter. Deputy Shreves testified that he met with Chief Yim on the grievance, but Chief Yim indicated that the decision was out of his hands.

On cross examination, Deputy Shreves testified that he never reported [redacted] possession of the hairnets. Deputy Shreves stated that he took no action to take [redacted] out of trustee status.

<u>Deputy Steve Quiroz</u>

Deputy Quiroz was hired as a [redacted] in August 2005. He went attended the Academy in 2007 and then was assigned to the [redacted]. He was then assigned to Mira Loma. In July 2011, he was assigned prowler duties along with Deputy Shreves. Deputy Quiroz' testimony varied from Deputy Shreves on some minor points. Deputy Quiroz testified that he thought Deputy Hurst said "stop right there", a detail

Deputy Shreves did not offer. Deputy Quiroz also testified that he turned towards some of the detainees who were not in their bunks and did not see Deputy Shreves as he walked towards [redacted] Deputy Quiroz stated that when he reached the area near the office he observed the hairnets on the floor.[3] Deputy Quiroz testified that upon completing the search o[redacted]all four Deputies walked back into the office. Deputy Shreves stated that he and Deputy Shreves returned to the main compound shortly thereafter.

Deputy Quiroz testified he was present at the briefing when Commander Sharp disclosed there was a pending ICIB investigation. Deputy Quiroz stated that Deputy Hurst questioned her. Deputy Quiroz recalled that Deputy Hurst said when the investigation was over Commander Sharp was going to owe them an apology.

Deputy Quiroz testified that ICIB wanted to interview him during his shift, but he declined unless he could have representation, which was not available at that time. Deputy Quiroz testified that Commander Sharp gave him the Notice of Intent. He did not discuss reduction of the discipline with her. Deputy Quiroz said his representative spoke to Commander Sharp. His Representative told him the discipline could be reduced if he admitted something had happened that night.

Under cross examination, Deputy Quiroz was asked if he knew of any reason why any of the inmates would file a complaint against him. Deputy Quiroz replied that he thought some of the inmates wanted him out of "E" barracks.

<u>Deputy Ernesto Rodriquez</u>

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[3] When asked what happened to the hairnets by the Hearing Officer, Deputy Quiroz said they were left on the floor.

Deputy Rodriquez was hired by the Department in 2007. He was assigned to the Mira Loma facility when he graduated from the Academy. Deputy Rodriquez testified that on July 5, 2011, he was assigned to the night shift, which started at 11:00 p.m. and ended at 7:00 a.m. on July 6, 2011. Deputy Rodriquez testified that he was assigned to prowler duty with Deputy Hurst. Deputy Rodriquez said the barracks Custody Assistants went to lunch at 12:00 a.m. and they went into "E" barracks to relieve them. Deputy Rodriquez said that Deputies Shreves and Quiroz entered the barracks sometime later.

Deputy Rodriquez' testimony was consistent with that of Deputies Shreves and Quiroz. Deputy Rodriquez said Deputy Shreves searched [redacted] in the middle of the day room area, not against the wall of the office. He observed Deputy Shreves pull the hair nets out of [redacted] pocket. Deputy Shreves held the hair nets for a moment then dropped them on the floor. Deputy [redacted] denied saying anything derogatory to detainee [redacted] Deputy [redacted] testified that Deputy Shreves never put anything on detainee [redacted] head.

Deputy Rodriquez remembered being in the briefing when Commander Sharp brought up the ICIB investigation. He remembered Deputy Hurst saying that Commander Sharp would owe them an apology because nothing happened. Deputy Rodriquez stated that he met with Commander Sharp and they discussed reduction in the discipline if he admitted something had happened. Deputy Rodriquez also met with Chief Yim after he filed a grievance. Chief Yim told him that he had already met with the other Deputies, and the meeting was very brief.

Deputy Brian Hurst

Deputy Hurst was hired by the Department in 2008. He was assigned to the Mira Loma facility in 2009. Deputy Hurst's testimony was consistent with the other Deputies. Deputy Hurst said he saw Deputy Shreves come up from behind detainee [redacted] and grab him by the elbows, but did not observe the rest of

the search. Deputy Hurst did not think [redacted] was going to the shower because he did not have a towel or soap. Deputy Hurst testified that the entire incident took about three (3) to five (5) minutes. Deputy Hurst did not observe where [redacted] went after the search.

Deputy Hurst testified that he was advised about a week later that he could not enter "E" or "F" barracks. Deputy Hurst testified that at the briefing Commander Sharp said some Deputies were involved in "criminal activities". He said he confronted her when she called for questions. Deputy Hurst said he asked Commander Sharp if she was going to apologize when they were found innocent. Deputy Hurst testified that he talked to Lieutenant Petz after the briefing. Lieutenant Petz told him Commander Sharp wanted to transfer him. Deputy Hurst testified that Lieutenant Petz stated that Commander Sharp "was out of line". Deputy Hurst testified that he met with Chief Yim, but Chief Yim said his hands were tied and he could not reduce the discipline.

John Urbach

Mr. Urbach represented all four Deputies during the grievance procedure. Mr. Urbach testified that he met with Commander Sharp and Chief Yim. Mr. Urbach testified that Commander Sharp was willing to reduce the discipline if the Deputies admitted culpability. Mr. Urbach also met with Chief Yim with each Deputy separately. Mr. Urbach said that Chief Yim admitted it was possible the detainees were making up a story, however Chief Yim declined to reduce any of the discipline.

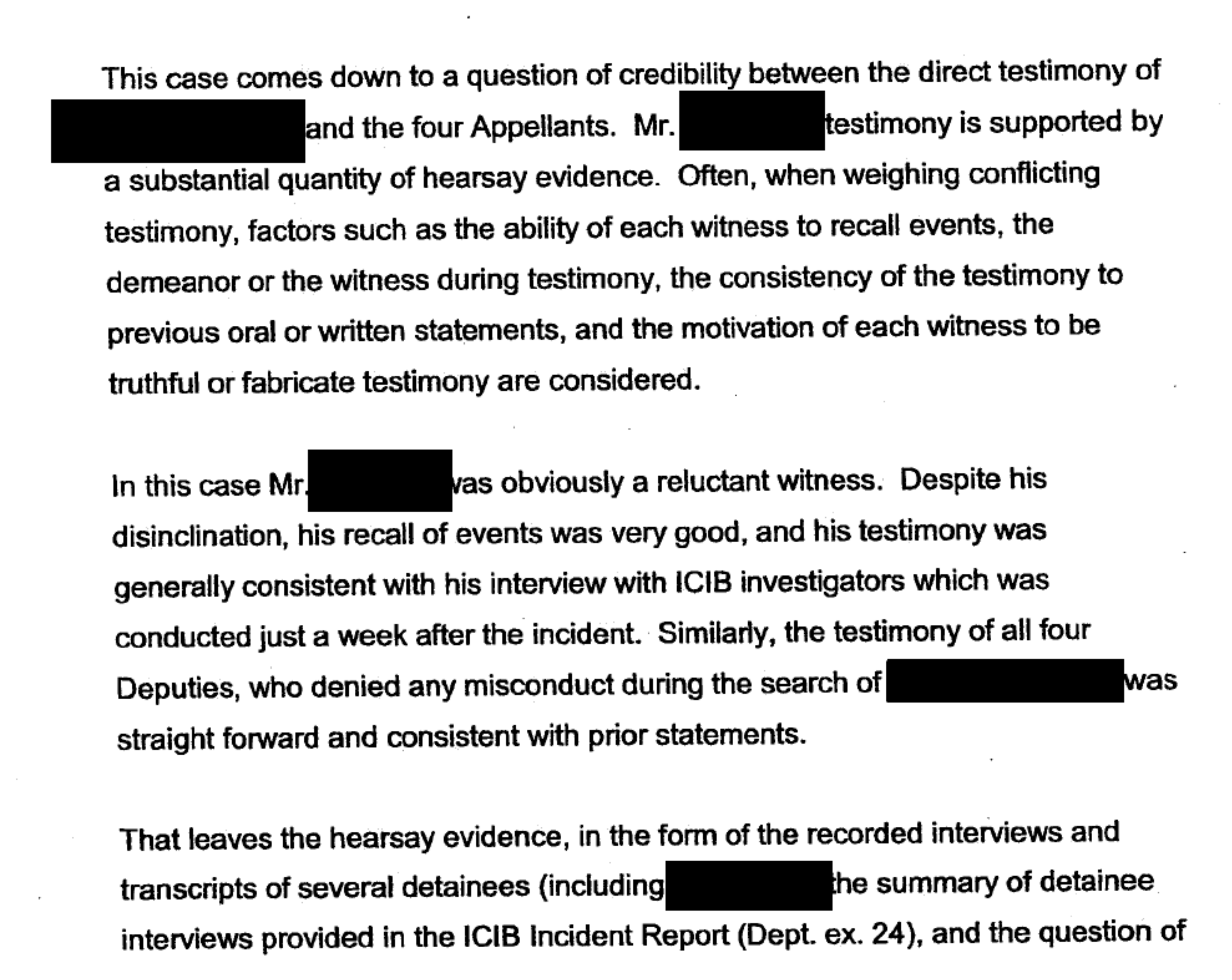
Sergeant David Patterson (retired)

Sergeant Patterson [redacted] Sergeant Patterson was assigned to the Mira Loma facility in 2011. Sergeant Patterson testified that there was a complaint box located in

each barracks. Sergeant Patterson stated that they received several complaints each month. Sergeant Patterson picked up the complaint in this matter. Sergeant Patterson testified that when he picked up the complaint he showed it to Sergeant Debbie Roth. Sergeant Patterson testified that at the time he felt the complaint was "greatly exaggerated" and "outlandish". Sergeant Patterson did not investigate the matter, he turned the complaint over to Lieutenant Petz.

Under cross examination, Sergeant Patterson testified that he had no training in conducting investigations. Sergeant Patterson conceded that if true, the allegations in the complaint constituted serious misconduct.

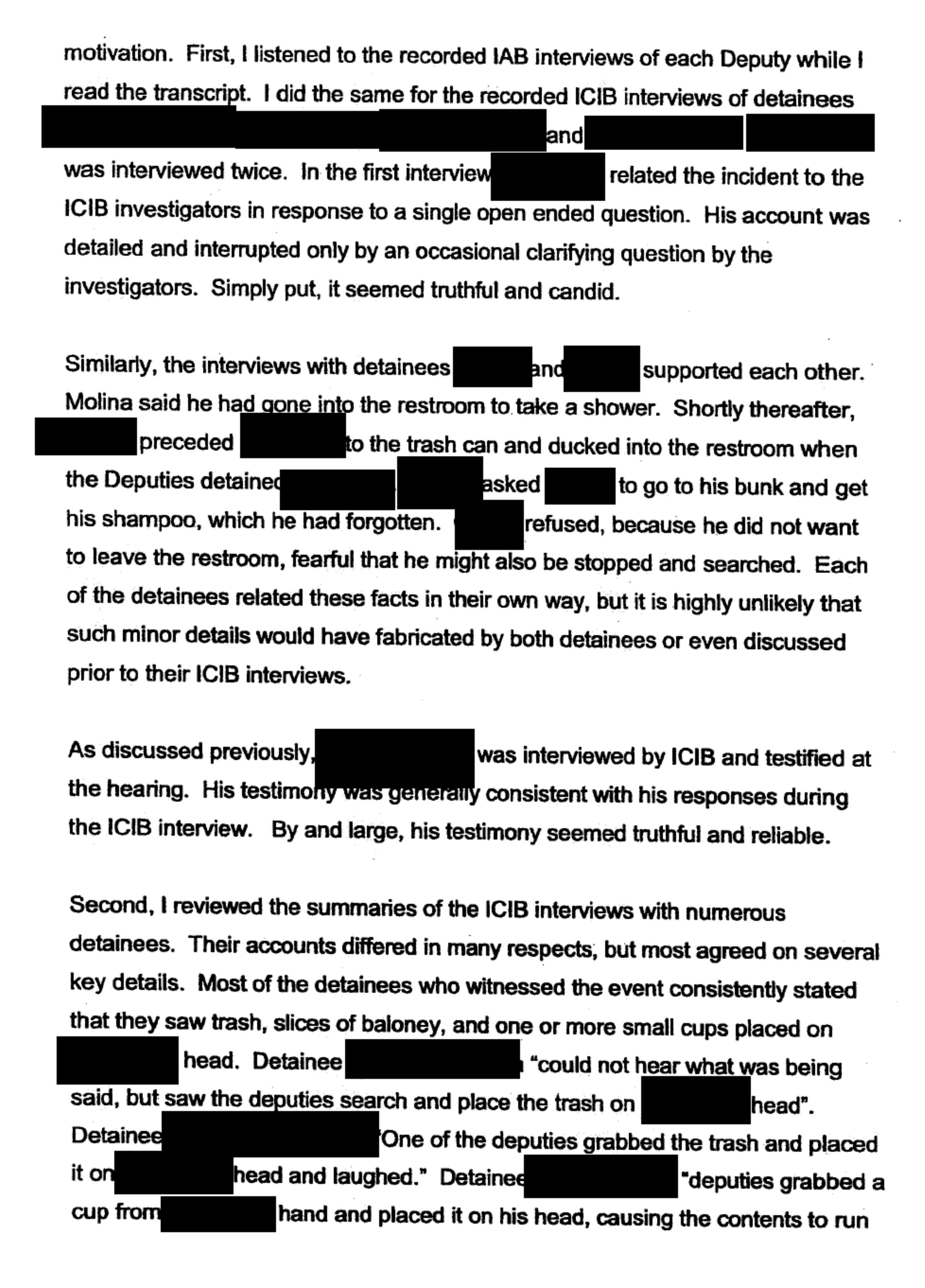
DISCUSSION



This case comes down to a question of credibility between the direct testimony of [redacted] and the four Appellants. Mr. [redacted] testimony is supported by a substantial quantity of hearsay evidence. Often, when weighing conflicting testimony, factors such as the ability of each witness to recall events, the demeanor or the witness during testimony, the consistency of the testimony to previous oral or written statements, and the motivation of each witness to be truthful or fabricate testimony are considered.

In this case Mr. [redacted] was obviously a reluctant witness. Despite his disinclination, his recall of events was very good, and his testimony was generally consistent with his interview with ICIB investigators which was conducted just a week after the incident. Similarly, the testimony of all four Deputies, who denied any misconduct during the search of [redacted] was straight forward and consistent with prior statements.

That leaves the hearsay evidence, in the form of the recorded interviews and transcripts of several detainees (including [redacted] the summary of detainee interviews provided in the ICIB Incident Report (Dept. ex. 24), and the question of

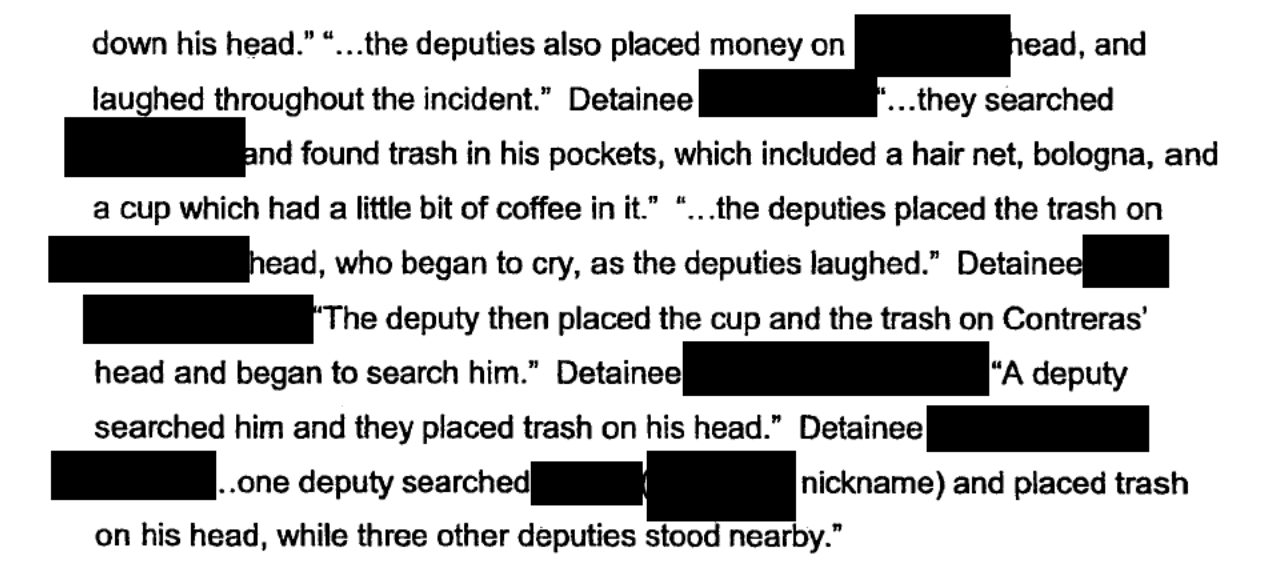


motivation. First, I listened to the recorded IAB interviews of each Deputy while I read the transcript. I did the same for the recorded ICIB interviews of detainees [redacted] and [redacted] was interviewed twice. In the first interview [redacted] related the incident to the ICIB investigators in response to a single open ended question. His account was detailed and interrupted only by an occasional clarifying question by the investigators. Simply put, it seemed truthful and candid.

Similarly, the interviews with detainees [redacted] and [redacted] supported each other. Molina said he had gone into the restroom to take a shower. Shortly thereafter, [redacted] preceded [redacted] to the trash can and ducked into the restroom when the Deputies detained [redacted] asked [redacted] to go to his bunk and get his shampoo, which he had forgotten. [redacted] refused, because he did not want to leave the restroom, fearful that he might also be stopped and searched. Each of the detainees related these facts in their own way, but it is highly unlikely that such minor details would have fabricated by both detainees or even discussed prior to their ICIB interviews.

As discussed previously, [redacted] was interviewed by ICIB and testified at the hearing. His testimony was generally consistent with his responses during the ICIB interview. By and large, his testimony seemed truthful and reliable.

Second, I reviewed the summaries of the ICIB interviews with numerous detainees. Their accounts differed in many respects, but most agreed on several key details. Most of the detainees who witnessed the event consistently stated that they saw trash, slices of baloney, and one or more small cups placed on [redacted] head. Detainee [redacted] "could not hear what was being said, but saw the deputies search and place the trash on [redacted] head". Detainee [redacted] "One of the deputies grabbed the trash and placed it on [redacted] head and laughed." Detainee [redacted] "deputies grabbed a cup from [redacted] hand and placed it on his head, causing the contents to run

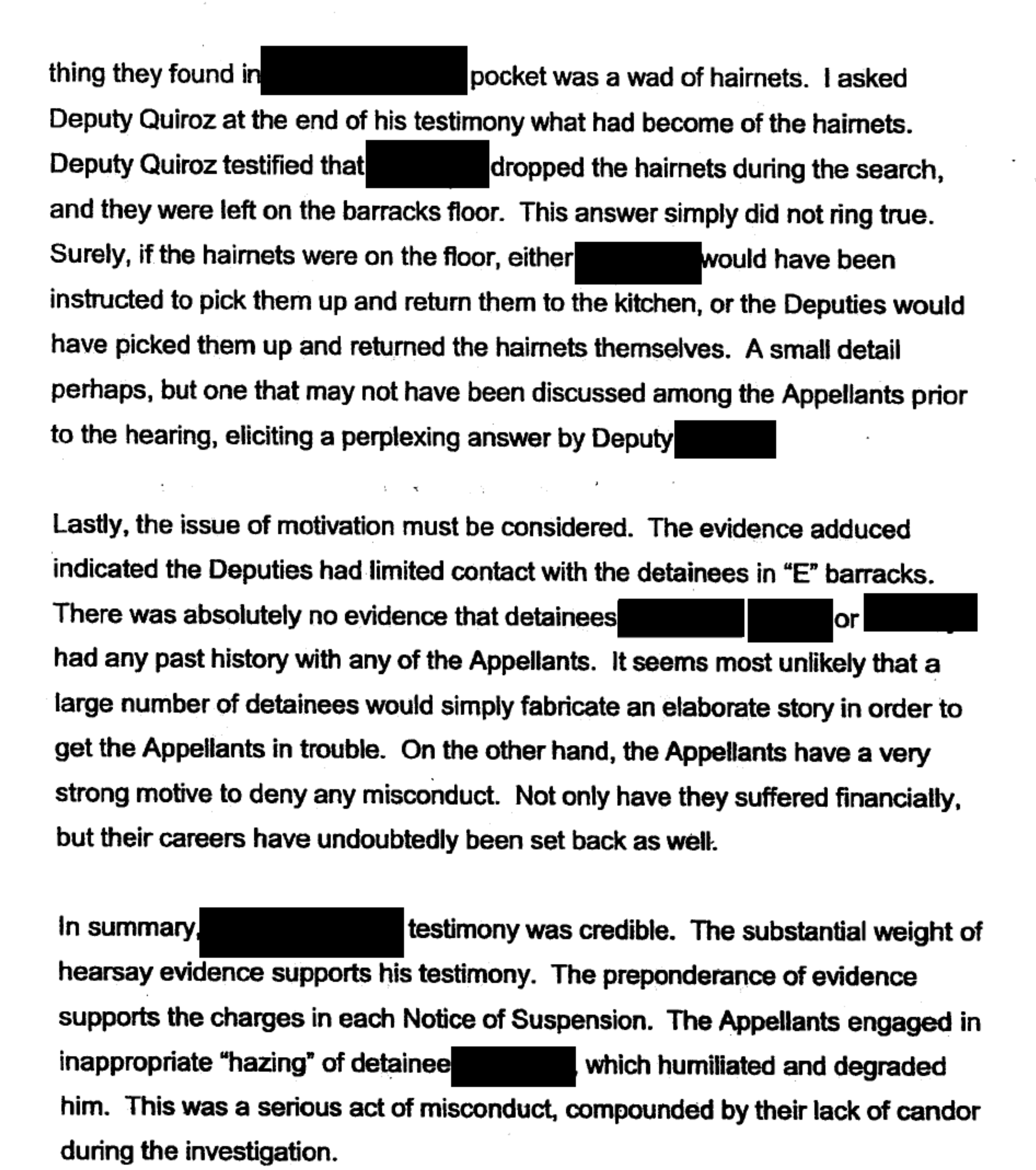


down his head." "…the deputies also placed money on [redacted] head, and laughed throughout the incident." Detainee [redacted] "…they searched [redacted] and found trash in his pockets, which included a hair net, bologna, and a cup which had a little bit of coffee in it." "…the deputies placed the trash on [redacted] head, who began to cry, as the deputies laughed." Detainee [redacted] "The deputy then placed the cup and the trash on Contreras' head and began to search him." Detainee [redacted] "A deputy searched him and they placed trash on his head." Detainee [redacted] ..one deputy searched [redacted] nickname) and placed trash on his head, while three other deputies stood nearby."

Other detainees described the incident similarly. A few of the detainees interviewed only saw or heard some portion of the incident. A few others said they did not see anything. The Appellants argue that these detainees concocted this story, but that makes no sense. Contrary to [redacted] claims that Deputy Shreves grabbed and squeezed his genitals, several of the detainees described the search as "normal". But almost all the detainees agreed, in separate interviews, that several items had been placed on [redacted] head. Most described these items as combination of a hair net, trash, baloney, money, and a cup. Many of the detainees told ICIB investigators that the Deputies laughed at [redacted] as he was searched.

If the detainees wanted to concoct a story, it's likely they would have supported [redacted] contention that Deputy Shreves squeezed his genitals during the pat down. Most did not. Several said they could hear the Deputies laughing at [redacted] and a few said they heard sexually derogatory remarks aimed at Contreras, but very few supported the [redacted] claim that Shreves squeezed his genitals.

On the other hand, it is not that difficult to simply deny something happened, as the Appellants have in this case. However, the Appellants testified that the only



thing they found in [redacted] pocket was a wad of hairnets. I asked Deputy Quiroz at the end of his testimony what had become of the hairnets. Deputy Quiroz testified that [redacted] dropped the hairnets during the search, and they were left on the barracks floor. This answer simply did not ring true. Surely, if the hairnets were on the floor, either [redacted] would have been instructed to pick them up and return them to the kitchen, or the Deputies would have picked them up and returned the hairnets themselves. A small detail perhaps, but one that may not have been discussed among the Appellants prior to the hearing, eliciting a perplexing answer by Deputy [redacted]

Lastly, the issue of motivation must be considered. The evidence adduced indicated the Deputies had limited contact with the detainees in "E" barracks. There was absolutely no evidence that detainees [redacted] [redacted] or [redacted] had any past history with any of the Appellants. It seems most unlikely that a large number of detainees would simply fabricate an elaborate story in order to get the Appellants in trouble. On the other hand, the Appellants have a very strong motive to deny any misconduct. Not only have they suffered financially, but their careers have undoubtedly been set back as well.

In summary, [redacted] testimony was credible. The substantial weight of hearsay evidence supports his testimony. The preponderance of evidence supports the charges in each Notice of Suspension. The Appellants engaged in inappropriate "hazing" of detainee [redacted], which humiliated and degraded him. This was a serious act of misconduct, compounded by their lack of candor during the investigation.

FINDINGS OF FACT

1. Deputy Brian Hurst has been employed by the Los Angeles county Sheriff's Department since 2008.

2. Deputy Steve Quiroz has been employed by the Los Angeles County Sheriff's Department since 2005

3. Deputy Ernesto Rodriguez has been employed by the Los Angeles County Sheriff's Department since 2007.

4. Deputy Jeffrey Shreves has been employed by the Los Angeles County Sheriff's Department since 2006.

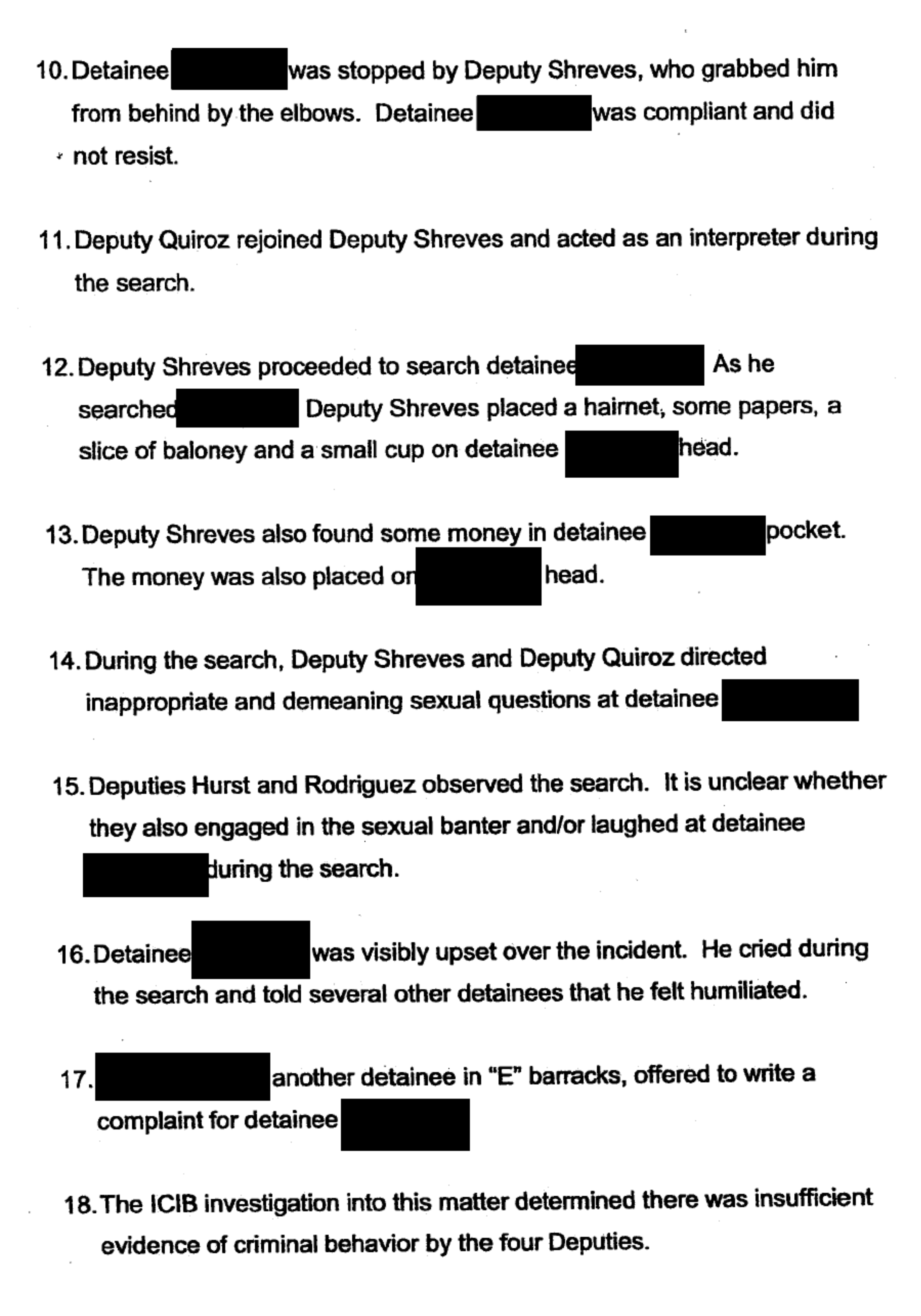
5. On July 5 and 6, 2011, all four Deputies were assigned to prowler duties at the Mira Loma Detention Center. Their shift started at 11:00 p.m. and ended at 7:00 a.m.

6. At Approximately 12:00 a.m., Deputies Hurst and Rodríguez relieved the "E" barracks Custody Assistants for a lunch break. A few minutes later, Deputies Shreves and Quiroz also entered "E" barracks.

7. At the time, "E" barracks housed trustee detainees, many of whom worked at various jobs and at various times in the facility. After 12:00 a.m. detainees were expected to remain on their bunks, but were allowed to get up to use the restroom.

8. Deputies Shreves and Quiroz left the barracks and re-entered through a back door with the intent of breaking up a group of detainees who were still up and not in their bunks.

9. Deputy Rodriquez observed detainee [redacted] walking toward the restroom and said "look, he's going to jack off" or words to that effect.



10. Detainee [redacted] was stopped by Deputy Shreves, who grabbed him from behind by the elbows. Detainee [redacted] was compliant and did not resist.

11. Deputy Quiroz rejoined Deputy Shreves and acted as an interpreter during the search.

12. Deputy Shreves proceeded to search detaine[redacted] As he searche[redacted] Deputy Shreves placed a hairnet, some papers, a slice of baloney and a small cup on detainee [redacted] head.

13. Deputy Shreves also found some money in detainee [redacted] pocket. The money was also placed o[redacted] head.

14. During the search, Deputy Shreves and Deputy Quiroz directed inappropriate and demeaning sexual questions at detainee [redacted]

15. Deputies Hurst and Rodriguez observed the search. It is unclear whether they also engaged in the sexual banter and/or laughed at detainee [redacted]uring the search.

16. Detainee [redacted] was visibly upset over the incident. He cried during the search and told several other detainees that he felt humiliated.

17. [redacted] another detainee in "E" barracks, offered to write a complaint for detainee [redacted]

18. The ICIB investigation into this matter determined there was insufficient evidence of criminal behavior by the four Deputies.

19. During the subsequent IAB administrative investigation, all four Deputies were interviewed.

20. All four Deputies denied hazing, humiliating or directing inappropriate remarks towards detainee [redacted] Given the facts established, the Deputies were not truthful in their denials.

CONCLUSIONS OF LAW

1. Deputy Jeffrey Shreves engaged in inappropriate behavior when he searched detainee [redacted] on July 6, 2011. Placing a hairnet, trash, money, and a paper cup on [redacted] head while directing sexual questions at detainee [redacted] humiliated and demeaned him.

2. Deputy Shreves was untruthful when he denied said behavior during his IAB interview.

3. Deputy Steve Quiroz likewise engaged in inappropriate behavior. He interpreted Deputy Shreves questions and participated in the hazing behavior.

4. Deputy Quiroz was untruthful when he denied said behavior during his IAB interview.

5. Deputy Ernesto Rodriguez made an inappropriate remark directed at detainee [redacted] Deputy Rodriguez observed the improper treatment of detainee [redacted] and made no effort to stop it.

6. Deputy Rodriguez was untruthful when he denied said behavior during his IAB interview.

7. Deputy Brian Hurst also observed the improper treatment of detainee [redacted] and made no effort to stop it.

8. Deputy Hurst was untruthful when he denied observing said behavior during his IAB interview.

9. The discipline is reasonable under the circumstances and not an abuse of discretion.

RECOMMENDATION

It is recommended that the Department's decision to suspend each of the Appellants, Jeffrey Shreves, Steve Quiroz, Ernesto Rodriguez and Brian Hurst be upheld by the Civil Service Commission.

Respectfully submitted,

David P. Beauvais
Hearing Officer
DATE: August 26, 2015